

PATENT

#37
CD
11/20/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Olufunmilayo I. Olopade

Serial No.: 08/674,311

Filed: July 1, 1996

For: METHYLTHIOADENOSINE
PHOSPHORYLASE COMPOSITIONS
AND METHODS OF USE IN THE
DIAGNOSIS AND TREATMENT OF
PROLIFERATIVE DISORDERS

Group Art Unit: 1634

Examiner: Jeanine A. Goldberg

Atty. Dkt. No.: ARSB:509—1/TMB

CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8

I hereby certify that this correspondence is being
transmitted to: Assistant Commissioner for Patents,
Washington, D.C. 20231, Attn: Examiner Jeanine A.
Goldberg, GAU 1634, facsimile number (703) 872-9305 on
the date below:

November 1, 2002
Date
Thomas M. Boyce

STATEMENTS OF THE SUBSTANCE OF INTERVIEWS PURSUANT TO
37 C.F.R. § 1.133(B)

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Office Communication (the Communication") dated 17 October 2002, which contained the Examiner's Interview Summary (form PTO-413) of an interview conducted 3 October 2002, for which Applicant's statement of the substance of the interview is due 3 November 2002. Appellants respectfully submit the following statement of the substances of the telephonic interviews conducted on 3 October 2002 and 8 October 2002.

25227647.1

Appellants believe no fee is due. However, should a fee be required for any reason relating to the present application, please consider this paragraph a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/ARSB:509--1.

**I. STATEMENTS OF THE SUBSTANCES OF INTERVIEWS PURSUANT TO
37 C.F.R. § 1.133(B)**

Appellants hereby submits statements of the substance of the telephone interview with Examiner Jeanine A. Goldberg conducted on 3 October 2002 pursuant to 37 C.F.R. § 1.133(b).

Statement of the Substance of the Interview of 3 October 2002

Participants: Examiner Goldberg and Thomas M. Boyce, Appellants' representative.

Examiner Goldberg telephoned Mr. Boyce on 3 October 2002. Mr. Boyce was not available and Examiner Goldberg left a recorded message at approximately 10:22 am (Central time) to the following effect.

Examiner Goldberg indicated that the examiner who had been handling the present appeal had left and that Examiner Goldberg had "inherited" the appeal brief. Examiner Goldberg indicated that claims 39-46 and 49 were allowable. Claims 50-51 as they stand were indicated as objectionable because of antecedent issues with respect to the phrase "said sequenced" under 35 U.S.C. §112. Claims 52, 53, and 67-73 were indicated to be allowable upon minor amendment to address issues arising under the second paragraph of 35 U.S.C. §112.

Further, Examiner Goldberg stated that the present appeal brief is defective in that a new declaration had been added and presented new issues. Examiner Goldberg indicated that a showing of good and sufficient reason why the declaration was not earlier submitted would be required to allow entry of the declaration.